

Practitioner's Docket No. CWR-7781PCT/US**IN THE UNITED STATES DESIGNATED OFFICE (DO/US)**

<u>PCT/US2004/008763</u>	<u>22 March 2004</u>	<u>24 March 2003</u>
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED

CELL TARGETING METHODS AND COMPOSITIONS
TITLE OF INVENTION

Arnold I. Caplan & James E. Dennis
APPLICANT(S) FOR DO/US

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 20231-1450

ATTENTION: DO/US

**COMPLETION OF FILING REQUIREMENTS
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. §371**

(check and complete the following item, if applicable)

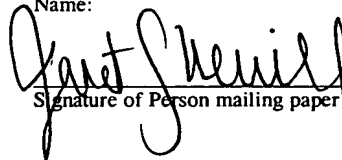
- ☒ This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. §1.494 (FORM PCT/DO/EO/905).
- ☒ A copy of FORM PCT/DO/EO/905 accompanies this response.

CERTIFICATION UNDER 37 C.F.R. §1.10**(Express Mail label number is mandatory)**(Express Mail certification is optional)*

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date June 1, 2006, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 852552329 US, addressed to the: Commissioner for Patents P.O. Box 1450 Alexandria, VA 20231-1450

Janet Sherrill

Name:



Signature of Person mailing paper

WARNING: Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR §1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

***WARNING:** Each paper or fee filed by "Express Mail" must have then umber of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR §1.10(b).

Completion of Filing Requirements for International Application Entering National State in Designated Office
(DO/US) under 37 USC 371 [13-8] - Page 1 of 6
Express Mail EV 852552329 US

WARNING:

"Since the filing of correspondence under §1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition". Notice of October 24, 1996, 60 Fed. Reg. 56,439, at 56,442.
Where the items being submitted to complete the entry of the international application into the national phase are subsequent to 20 months from the priority date, the application is still considered to be in the international stage. If mailing procedures are utilized to obtain a date, the express mail procedure of 37 CFR 1.10 must be used (because international application papers are not covered by an ordinary certificate of mailing. 37 CFR 1.8(2)(xi).

NOTE:

Documents and fees must be clearly identified as a submission to enter the national stage under 35 USC 371. Otherwise, the submission will be considered as being made under 35 USC 111.37 CFR 1.494(f).

DECLARATION OR OATH

I.



No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

NOTE: For surcharge fee for filing declaration after filing date, complete item IV(2).

NOTE: Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the Specification to which it applied are the name of the inventor and (1) serial number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration. If identification (4) is used, it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G.3). See M.P.E.P. 601.01(a), 6th ed., rev. 3.

NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

NOTE: 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

(complete (a) or (b), if applicable)

Attached is a

- (a) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (b) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

AMENDMENT

(complete as applicable)

II.

- ☐ An amendment in accordance with 37 C.F.R. §1.121 is attached.
- ☐ The attached amendment cancels claims _____ inclusively.

A. Information Disclosure Statement

- ☐ A copy of an Information Disclosure Statement, PTO Form 1449 and references are attached.

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(DO/US) under 37 USC 371 [13-8] - Page 2 of 6
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**TRANSMITTAL OF ENGLISH TRANSLATION
OF NON-ENGLISH LANGUAGE PAPERS**

III.

☐

Submitted herewith, is an English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 CFR §1.494(b)(2)).

NOTE: For fee for processing a non-English application, and submission of an English translation later than 20 months after the priority date, complete item IV(3) below.

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR §1.69(b).

FEES

IV.

NOTE: See 37 C.F.R. §1.28(a).

1. Fees for claims

☐

Each independent claim in excess of 3
(37 CFR §1.492(b) - \$82.00; small entity - \$41.00)

\$ _____

☐

Each claim in excess of 20
(37 CFR §1.492(c) - \$22.00; small entity - \$11.00)

\$ _____

☐

Multiple dependent claims
(37 CFR §1.492(d) - \$270.00; small entity - \$135.00)

\$ _____

2. Surcharge Fees

☒

Surcharge set forth in §1.492(e), for accepting the declaration
later than 20 months after the priority date in filing an application
in the U.S. as a designated office - \$130.00; small entity \$65.00

\$ 65.00

NOTE: The processing fee in the next item (Number 3) below is not subject to a reduction for small entity status.

3.

☐

Processing fee set forth in §1.492(f), for acceptance of an English
translation later than 20 months after the priority date - \$130.00

\$ _____

TOTAL FEES \$ 65.00

06/06/2006 GFREY1 00000142 10550590

01 FC:2617

65.00 00

SMALL ENTITY STATUS

V.

☒ A statement that this filing is by a small entity\

NOTE: See 37 CFR §1.28(a).

(check and complete applicable items)

- a. ☐ is attached.
☐ was filed on _____ (original).
b. ☐ A separate refund request accompanies this paper.

EXTENSION OF TIME

(complete (a) or (b), as applicable)

VI.

The proceedings herein are for a patent application. The provisions of 37 CFR §1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked out below:

Extension Months	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$1,510.00	\$ 755.00

FEE \$ _____

If an additional extension of time is required, please consider this a petition thereof

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid thereof of \$ _____ is deducted from the total fee due for the total months of extension now requested.
Extension fee due with this request \$ _____.

or

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE DUE

VII. The total fee due is:

Completion fee(s)	\$ 65.00
Extension fee (if any)	\$ _____
TOTAL FEE DUE	\$ 65.00

Completion of Filing Requirements for International Application Entering National State in Designated Office
(DO/US) under 37 USC 371 [13-8] - Page 4 of 6
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PAYMENT OF FEES

VIII.

- ☒ Enclosed is a check in the amount of \$ 65.00.
- ☐ Charge Deposit Account No. 20-0090 in the amount of \$ _____.
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR §1.22(b).

AUTHORIZATION TO CHARGE ADDITIONAL FEES

IX.

WARNING: Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.

NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under §1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in §1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 CFR §1.136(a)(3).

NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 CFR §1.26(a).

- ☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper, and during the entire pendency of this application, to Account No. 20-0090.
- ☒ 37 CFR §§1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)
- ☒ 37 CFR §1.492(b) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing, or on later presentation, must only be paid, or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR §1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☒ 37 CFR §1.17 (application processing fees)
- ☒ 37 CFR §1.17(a)(1)-(5) (extension fees pursuant to §1.136(a)).

WARNING: While 37 CFR §1.17(a), (b), (c) and (d) deal with extensions of time under §1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR §1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added) Notice of November 5, 1985 (1060O.G. 27).

- ☐ 37 C.F.R. §1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR §1.311(b)).

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR §1.1311(b).

NOTE: 37 CFR §1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application...prior to paying, or at the time of paying...issue fee." From the wording of 37 CFR §1.28(b); (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.



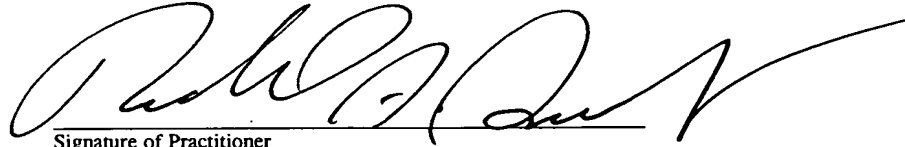
37 CFR §1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 20 months from the earliest claimed priority date).

WARNING:

It is suggested that you always check this last authorization.

Reg. No. 43,941

Tel. No. (216) 621-2234



Signature of Practitioner

Richard A. Sutkus

Tarolli, Sundheim, Covell & Tummino

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Cleveland, Ohio 44114

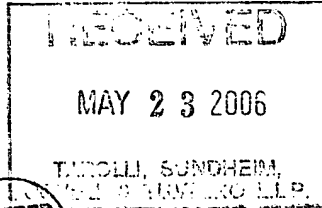


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/550,590	Arnold I Caplan	CWR-7781PCT/US

Richard S. Wesorick
Tarolli, Sundheim, Covell & Tummino
526 Superior Avenue, Suite 1111
Cleveland, OH 44114-1400



*CWR-7781(PCT)US
RSW*

INTERNATIONAL APPLICATION NO.	
PCT/US04/08763	
I.A. FILING DATE	PRIORITY DATE
03/22/2004	03/24/2003

CONFIRMATION NO. 1634

371 FORMALITIES LETTER



OC000000018776992

Date Mailed: 05/15/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/22/2005
- Copy of the International Search Report filed on 09/22/2005
- Copy of IPE Report filed on 09/22/2005
- Preliminary Amendments filed on 09/22/2005
- Oath or Declaration filed on 09/22/2005
- Request for Immediate Examination filed on 09/22/2005
- U.S. Basic National Fees filed on 09/22/2005
- Assignment filed on 09/22/2005
- Priority Documents filed on 09/22/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

FILE NO: CWR7781PCUATTY: RSW
DUE DATE: 07-15-2006 (20060715)
CASE WESTERN RE/INIT: (20060515)
ACTION: 10 RES PER: 2 M DK1
MISSING REQUIREMENTS DUE / 1082

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/550,590	PCT/US04/08763	CWR-7781PCT/US